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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/073,509

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EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/073,509	Applicant(s) MALTSEFF, PAUL A.	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,15,17-21,23-27 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14,15,17-21,23-27 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 17-21, and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (US patent 6,701,304, effective filing date 7/22/1998) in view of Circular 17, Reynolds, and Wood, Jr. (Wood).

Leon shows all of the limitations of the claims except for specifying tax information on the data structure, affixing the memory device in a location to damage it upon opening, and updating records on the data device after affixing the device to the taxable item.

Leon shows a method and apparatus for postage label authentication. The invention provides human-readable and machine-readable portion in a postage label (physically associated with a package). The data and symbology readers provide the information to a computer. The computer receives information from the readers and provides a status signal that indicates whether the postage label is authentic. (column 3, lines 5-7) In one embodiment (column 11, lines 10-21), the machine-readable portion is an RFID device (wireless memory tag, machine readable structure) as shown in US patent 5,497,140 (Tuttle, incorporated by reference), which has a memory 86 (data storage) containing owner's name, ID number, point of origin (origin identifier), weight,

size, route, destination, and the like. From column 3, the IC transceiver chip 24 will preferably be connected to a dipole antenna consisting of thin film antenna strips 26 and 28, and the dipole antenna 26 and 28 is operative to both transmit RF signals from the IC chip 24 to a controller and to receive incoming RF signals from an external RF source controller and operative to encode (need a code to access) this data in IC chip memory in a manner more particularly described below with reference to FIG. 6. (column 6, lines 20-21 of Tuttle). Column 6, lines 36-38 (Leon), indicates that the printers are capable printing other information such as address label, tax stamp (includes tax information, tax stamps are destroyed when package is open [references Erb, Steiger and Coursaut are provided as evidence of inherency]), secured ticket, money order and the like.

Leon is silent to what information would be on the machine-readable portions of the alternative embodiments of the address label, tax stamp, secured ticket, money order and the like.

Inspection circular 17 requires remedies to be registered, labeled and show a payment of tax (tax stamp). Page 5 shows required information. Item 1a requires a manufacturer identifier and item 1d requires a product type identifier. This information is necessary to show compliance with the law.

Based on the inspection circular teaching, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Leon tax stamp embodiment to incorporate specific information such as a manufacturer identifier

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and a product type identifier on the machine-readable portion in order to show compliance with the law.

Leon is also silent as to damaging the IC chip upon opening the package.

Reynolds teaches, column 1, lines 30-35, the federal revenue stamp will be mutilated as is required by federal laws in connection with taxed packages where tax stamps are applied thereto. This is done to prevent fraud.

Based on the teaching of Reynolds, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Leon tax stamp embodiment to position the IC chip near the tax stamp so that it is also damaged upon opening the package in order to be compliant with the law and to prevent fraud.

Wood teaches an RFID device with an integrated circuit 16 with RAM for updating data at any time. See column 8, lines 64-65, for the RAM.

Based on the teaching of Wood, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Leon tax stamp embodiment to include RAM in order to update status data at any time.

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink that reads "Michael Cuff" followed by the date "7/22/07". The signature is written in a cursive, flowing style.

Michael Cuff
July 22, 2007

MICHAEL CUFF
PRIMARY EXAMINER